

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 98-35

IMPOSITION OF AN ADMINISTRATIVE CIVIL PENALTY ON THE CITY OF POINT ARENA FOR FAILURE TO FILE AN ADEQUATE SOURCE REDUCTION AND RECYCLING ELEMENT AND NONDISPOSAL FACILITY ELEMENT (PUBLIC RESOURCES CODE SECTION 41813)

WHEREAS, Public Resources Code (PRC) section 41791.5(a)(3) provides that jurisdictions within Counties which had 8 or more years but less than 15 years of remaining disposal site capacity in 1990 were required to submit their Source Reduction and Recycling Elements (SRRE) and Nondisposal Facility Elements (NDFE) to the California Integrated Waste Management Board (CIWMB) by August 31, 1994; and,

WHEREAS, the city of Point Arena is within the County of Mendocino, which had 8 or more years but less than 15 years of remaining disposal site capacity in 1990, but failed to submit its final and complete SRRE and NDFE to the CIWMB by that date; and,

WHEREAS, the city submitted a compliance schedule to the CIWMB which provided that it would submit a final and complete SRRE by May 30, 1997 and a final and complete NDFE by July 31, 1997, but the city failed to do so; and,

WHEREAS, PRC 41812 provides that if the Board determines that a jurisdiction has failed to submit an adequate element, the Board shall conduct a public hearing for the purposes of hearing testimony on the element and the deficiencies identified by the Board; and the CIWMB held such a public hearing on January 29, 1998; and,

WHEREAS, PRC 41813(a) provides that after conducting a public hearing pursuant to Section 41812, the board may impose administrative civil penalties of not more than ten thousand dollars (\$10,000) per day on any city or county, or, pursuant to Section 40974, on any city or county as a member of a regional agency, which fails to submit an adequate element or plan in accordance with the requirements of this Chapter; and,

WHEREAS, the city of Point Arena submitted a complete and final SRRE and NDFE to the Board for review and approval, as of January 28, 1998.

NOW, THEREFORE, BE IT RESOLVED that after consideration of the record, and all of the information presented at the public hearing, the CIWMB has determined that it would be appropriate to impose an administrative civil penalty on the city of Point Arena for its failure to file an adequate and complete SRRE and NDFE in a timely manner. Based upon Board staff analysis, that administrative civil penalty is to be in the amount of \$1,160 for the SRRE, and

\$580 for the NDFE, for a total of \$1,740. However, in light of the following circumstances: the submittal of completed documents, and the necessity for the city to use volunteers to prepare the documents due to lack of city staff, it is the decision of the Board to grant mercy by forgiving the administrative civil penalties.

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on January 29, 1998.

Dated:

Ralph E. Chandler

Executive Director